

## Assembly Bill No. 2846

### CHAPTER 170

An act to add Section 3312 to the Government Code, relating to public safety officers.

[Approved by Governor July 11, 2002. Filed with  
Secretary of State July 12, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2846, Frommer. Public safety officers: American flag.

The Public Safety Officers Procedural Bill of Rights Act provides that no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by a public agency without providing the public safety officer with an opportunity for an administrative appeal. The act specifies, among other matters, procedures that are required in connection with an interrogation and investigation of a public safety officer.

This bill would provide that, notwithstanding any other provision of law, the employer of a public safety officer may not take any punitive action against an officer for wearing a pin or displaying any other item containing the American flag, unless the employer gives the officer written notice stating that the pin or other item violates an existing rule, regulation, policy, or local agency agreement or contract identifying that rule, regulation, policy, or local agency agreement or contract, and stating that the officer may file an appeal against the employer challenging the alleged violation.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares both of the following:

(a) In the aftermath of the terrorist attacks on the World Trade Center in New York City and on the Pentagon in Washington, D.C., on September 11, 2001, police and other public safety officers wish to join with other Americans in expressing their grief over this horrific tragedy by wearing pins or displaying other items containing the American flag.

(b) The Legislature, by enacting this act, intends to prohibit punitive action against a public safety officer for wearing a pin or displaying any other item containing the American flag unless the officer has been given specified notice and warning that this action violates an existing rule, regulation, policy, or local agency agreement or contract.

SEC. 2. Section 3312 is added to the Government Code, to read:

3312. Notwithstanding any other provision of law, the employer of a public safety officer may not take any punitive action against an officer for wearing a pin or displaying any other item containing the American flag, unless the employer gives the officer written notice that includes all of the following:

(a) A statement that the officer's pin or other item violates an existing rule, regulation, policy, or local agency agreement or contract regarding the wearing of a pin, or the displaying of any other item, containing the American flag.

(b) A citation to the specific rule, regulation, policy, or local agency agreement or contract that the pin or other item violates.

(c) A statement that the officer may file an appeal against the employer challenging the alleged violation pursuant to applicable grievance or appeal procedures adopted by the department or public agency that otherwise comply with existing law.

